Remarks

Amendments to the drawings

Proposed drawing corrections are submitted with this response. In summary, the following corrections to the drawings are proposed: (1) A legend has been added to Figures 1 and 2 to designate each such figure as "Prior Art"; (2) The Office action requested that reference signs 610 and 710 be added to Figure 4. The Applicants respectfully submit that labels 610 and 710 do not correspond to Figure 4. Specifically, and in response to the objection, the Applicants have amended Fig. 6 to add reference "610" to identify the "Test Protocol Tier", and reference number 710 has been removed from the specification (per amendment to the specification, above, such number not being shown in the drawings). Further, in Figure 7, reference number 700 has been deleted, such number not being referred to the in the specification.

"Red-lined" copies of the amended drawing are enclosed herewith, to show how and where the amendments to the drawings have been made. No new matter has been added to the drawings by way of the propose amendments thereto.

The Applicants contend that the amendments to the drawings put the drawings in full compliance with the rules, and therefore request that the objections to the drawings now be removed.

Amendments to the specification

The Examiner has objected to the specification for the reasons sets forth in the office action. In response, the specification has been amended as set forth above. The Applicants believe that the amendments to the specification address each and every objection set forth by the Examiner, and that the specification, as amended, now complies with the rules. The Applicants therefore request that, in light of the above amendments, the objections to the specification be removed.

Amendments to the claims

Claim 1, 9 and 17 have been amended, as indicated above. Support for the amendment is found in the specification and drawings as follows:

- Claims 1, 9 and 17: page 8, lines 14-21

No new matter has been added to the claims.

The amendments are being made herein are for the sole purpose of facilitating an understanding of the differences between the Applicants' claimed invention and the prior art, and are not to be considered as an admission that the prior art anticipates or renders obvious the amended claims.

Rejection of Claims under 35 U.S.C. § 102

Claims 1-20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,781,720 to Parker et al. (hereinafter, "Parker").

The Applicants respectfully disagree that claims 1-20 are anticipated by Parker.

As a starting point, the PTO and the Federal Circuit provide that §102 anticipation requires <u>each and every element</u> of the claimed invention to be disclosed in a single prior art reference. (*In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990)). The corollary of this rule is that the absence from a cited §102 reference of <u>any</u> claimed element negates the anticipation. (*Kloster Speedsteel AB, et al v. Crucible, Inc., et al*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986)). Furthermore, "[a]nticipation requires that <u>all</u> of the elements <u>and limitations</u> of the claims are found within a single prior art reference." (*Scripps Clinic and Research Found. v Genetech. Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991 (emphasis added)). Moreover, the PTO and the Federal Circuit provide that §102 anticipation requires that there must be <u>no difference</u> between the claimed invention and the reference disclosure. (*Scripps Clinic and Research Found. v. Genetech, Inc.*, id. (emphasis added)).

Accordingly, if the Applicants can demonstrate that any one element or limitation in claims 1-20 is not disclosed by Parker, then the respective claim(s) must be allowed.

In the following arguments, the Applicants will focus in particular on independent claims 1, 9 and 17, as the Applicants believe those claims to be allowable over Parker. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable, and therefore the Applicants do not believe it is necessary to present arguments in favor of each and every dependent claim. The fact that the Applicants have not presented herein specific arguments in favor of the allowability of each and every dependent claim which depends from arguably allowable independent claim is not to be considered as an admission that the dependent claims are only allowable as a result of their dependence on an allowable base claim, but rather as a matter of efficiency in responding to the instant Office action. The Applicants make no concession nor admission that any dependent claim is allowable based solely on its dependence from an allowable base claim.

Claim 1

The Applicants contend that independent claim 1, and rejected claims 2-8 that depend therefrom, are not anticipated by Parker. Claim 1 (as amended above) recites:

A method for automated testing of a graphical user interface (GUI) of a program, said method comprising:

creating a test <u>case</u> file comprising a plurality of test steps *in a text format*; and

executing a test harness with said test <u>case</u> file as input to said test harness, said test harness configured to execute one of a plurality of automated tests in response to one of a plurality of test steps, each automated test configured to test a corresponding user interface element of said program through a GUI map, said GUI map configured to define a logical name for each user interface element of said program. (Emphasis added.)

The Office action claims that Parker discloses "a plurality of test steps in a text format," which the Office action further claims is a script. Parker discloses that a test script "is *written in a high level programming language* and contains the user events to be simulated, and the *control and data structures* necessary to validate the GUI's, and in turn, the application program's responses to the input." (Parker, col. 4, lines 7-11, emphasis added.) Furthermore, Parker discloses that: "[t]he test script is written in a portable language called "T", developed by, and available from the assignee of the present invention. The "T" language is not required to practice the present invention and *any other appropriate programming language such as C* can be used. The name T is intended to indicate that it is like C, but designed expressly for Testing. The T language *is a full-featured programming language* with a compiler and a full range of control and data structures." (Parker, Col. 6, line 66 to Col. 7, line 8, emphasis added.)

A script file created with a full-featured programming language is not "a plurality of test steps in a text format", as is required by Applicants' claim 1. A test script, according to Parker, requires control and data structures, and is thus written in a proprietary high-level language. The Applicants state in the specification that the claimed "test case file" contains an "English-like" description of each step of a testing scenario (Application, page 12, line 6-7). The use of a proprietary high-level programming language is not required to "create a test case file comprising a plurality of test steps in a text format" (per Applicants' claim 1) where the steps are in "English-like" text. Rather, a simple text editor or word processing program can be used to create the test case file. (Application, page 8, line 22-23). In fact, the ability to "create a test case file comprising a plurality of test steps in a text format" (Applicants' claim 1) advances the art by obviating the use of a script written in a high-level programming language, as required by Parker.

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The Applicants clearly distinguish a "test case file in a text format" from a "script", as is evident from the discussion of "automated test scripts" within portions of the test harness, as set forth in the Applicants' specification (Application, page 10, lines 4-12, and Fig. 6).

Finally, using a test script that "contains the user events to be simulated, and the control and data structures necessary to validate the GUI's, and in turn, the application program's responses to the input" (per Parker), is far different than "creating a test case file comprising a plurality of test steps in a text format" (per Applicants' claim 1).

For at least these reasons, the Applicants contend that Parker does not anticipate Applicants' claim 1.

The 35 U.S.C. § 102 rejection of claim 1 is thus unsupportable in view of the requirements for such a rejection as described above. Thus, the Applicants contend that claim 1 is allowable. As claim 1 is allowable, claims 3-8 are allowable by virtue of their dependence upon an allowable base claim, as well as their own respective merits.

Claim 9

The Applicants contend that independent claim 9, and rejected claims 10-16 that depend therefrom, are not anticipated by Parker. Claim 9 (as amended above) recites:

A system for automated testing of a graphical user interface (GUI) of an application, said system comprising:

at least one processor;
a memory coupled to said at least one processor;
a test harness residing in said memory and executed by said at least one processor, wherein said test harness is configured to execute one of a plurality of automated tests in response to one of a plurality of test steps of a *text format* test data file, each automated test configured to test a corresponding user interface element of said application through a GUI

map, said GUI map configured to define a logical name for each user interface element of said application.

(Emphasis added.)

For at least the reasons described above with respect to Claim 1, the Applicants contend that Parker does not anticipate Applicants' claim 9, as claim 9 includes (at least) the limitation of, "a text format test data file", which is not disclosed by Parker (as discussed above). The 35 U.S.C. § 102 rejection of claim 9 is thus unsupportable in view of the requirements for such a rejection as described above. Thus, the Applicants contend that claim 9 is allowable. As claim 9 is allowable, claims 10-16 are allowable by virtue of their dependence upon an allowable base claim, as well as their own respective merits.

Claim 17

The Applicants contend that independent claim 17, and rejected claims 18-20 that depend therefrom, are not anticipated by Parker. Claim 17 (as amended above) recites:

A computer readable storage medium on which is embedded one or more computer programs, said one or more computer programs implementing a method for automated testing of a graphical user interface (GUI) of an application, said one or more computer programs comprising a set of instructions for:

creating a test case file comprising a plurality of test steps in a text format; and

executing a test harness with said test case file as input to said test harness, said test harness configured to execute one of a plurality of automated tests in response to one of a plurality of test steps, each automated test configured to test a corresponding user interface element of

said program through a GUI map, said GUI map configured to define a logical name for each user interface element of said program.

(Emphasis added.)

For at least the reasons described above with reference to Claim 1, the Applicants contend that Parker does not anticipate Applicants' claim 17. Specifically, and as described above, Parker does not disclose, "creating a test case file comprising a plurality of test steps in a text format", as required by Applicants' claim 17. The 35 U.S.C. § 102 rejection of claim 17 is thus unsupportable in view of the requirements for such a rejection as described above. Thus, the Applicants contend that claim 17 is allowable. As claim 17 is allowable, claims 18-20 are allowable by virtue of their dependence upon an allowable base claim, as well as their own respective merits.
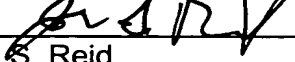
Summary

The Applicants believes that this response constitutes a full and complete response to the Office action, and therefore request timely allowance of claims 1 through 20.

The Examiner is respectfully requested to contact the below-signed representative if the Examiner believes this will facilitate prosecution toward allowance of the claims.

Respectfully submitted,

Donald Moreaux, Cary Homer, Steven Stubbs, and Kent Johnson

Date: __March 31, 2004__   By _____

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